

**Appl. No. 10/500,484**  
**Amdt. Dated May 24, 2006**  
**Response to Office Action of February 24, 2006**

### **REMARKS/ARGUMENTS**

The Applicants submit this amendment under 37 C.F.R. § 1.111 in response to the Office Action of February 24, 2006.

Claims 1 through 23 are pending in the application. Claims 1, 5 through 8, 11, and 23 are currently amended, and claims 3, 4, and 22 are canceled.

No new fee is due. If a fee is due, it may be charged to Deposit Account Number 12-1210.

#### **1. Objection to Specification**

The Examiner objected to the abstract, because it contains legal phraseology used in patent claims. The Applicants amended the abstract to remove the legal phraseology and other improper language. Accordingly, it is requested that the objection to the abstract be withdrawn.

#### **2. Rejection under 35 U.S.C. § 112, second paragraph**

The Examiner rejected claim 22 under 35 U.S.C. § 112, second paragraph, as being in improper form and failing to define the clear metes and bounds of the protection desired. The Applicants canceled claim 22. Accordingly, it is requested that the rejection of claim 22 under 35 U.S.C. § 112, second paragraph be withdrawn.

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3. Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claims 1 through 4 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,968,765 to R. Menegus. The Applicants traverse this rejection and request reconsideration.

Menegus does not disclose a hydrofoil element adapted to lift the stern of the craft. Menegus discloses only a "stabilizing fin 33" to "dissipate vertical components of energy and so damps the bucking [of the hull]." (*See* Menegus col. 7, lines 38-52.) This stabilizing fin has no other stated purpose or effect on the craft. Further, the stabilizing fin does not rotate on a transverse axis and does not have variable positions.

The Applicants amended claims 1 and 23 to include subject matter from claims 3, 4, and 5. The Applicants may pursue original claims 1 and 23 in subsequent applications. However, in view of the foregoing arguments and amendments, it is requested that the rejection of the pending claims under 35 U.S.C. § 102(b) be withdrawn.

It is submitted that this application is in condition for allowance, and favorable consideration is requested.

Respectfully submitted,

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Date



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